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ATTORNEYS FOR CIM/BIRCH ST., INC.

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

IN RE:	§	Chapter 11
	§	
CIRCUIT CITY STORES, INC. <i>et al.</i> ,	§	CASE NO. 08-35653-KRH
	§	
Debtors.	§	Jointly Administered

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that CIM/Birch St., Inc. (“CIM”) has filed with the Court a *Motion and Supporting Memorandum for an Order (A) Compelling Debtor to Immediately Pay Administrative Rent Pursuant to 11 U.S.C. §§ 365(d)(3) and 503 (b), and (B) Granting Related Relief* (the “Motion”). A true and complete copy of the Motion has been filed with the Court and forwarded to you.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) **Under Local Bankruptcy Rule 4001-(a)-1, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing unless you take the following steps:**

1. File with the Court, at the address shown below, a written objection. If you mail your written objection to the Court for filing, you must mail it early enough so the Court will **receive** it on or before **December 18, 2008 at 4:00 p.m.**

William C. Redden, Clerk  
United States Bankruptcy Court  
701 E. Broad Street  
Suite 4000  
Richmond, VA 23219

You must also deliver a copy to all parties on the Certificate of Service below and to:

Mary A. House  
Catherine E. Creely  
AKIN GUMP STRAUSS HAUER & FELD LLP  
1333 New Hampshire Avenue, N.W.  
Washington, D.C. 20036

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2. Attend the hearing scheduled for **December 22, 2008 at 1:00 p.m.** before the Honorable Kevin R. Huennekens, U.S. Bankruptcy Court, Room 5000, United States Courthouse, 701 E. Broad Street, Richmond, Virginia 23219.

If you or your attorneys do not take these steps, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the requested relief without further notice of hearing.

Respectfully submitted by:

AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/ Mary A. House

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--and--

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